**HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 25697 of 2007**

**Dated 13th December, 2007**

Between

Badugula Venkateswara Rao

…Petitioner

and

The Superintendent of Police, Guntur, Guntur District and ors

…Respondents.

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 25697 of 2007**

**ORDER:**

In this Writ Petition, the petitioner seeks a direction to the respondents by way of Writ of Mandamus not to insist him to accept the commission of offence alleged to have been occurred on 1-1-2007, in which, one Mr.Nissankara Mallikarjuna died in the road accident.

It is the case of the petitioner that he is the owner of two lorries bearing registration Nos. ATT 9999 and KA.26-4 4290. It is the grievance of the petitioner that though the above said two vehicles have not caused any accident and, he was not shown as an accused, but, the respondents are harassing and insisting him to accept the commission of offence in Crime No.1 of 2007, which was registered under Section 304-A IPC on 1-1-2007 on the basis of a complaint filed by one Mr.Nisanka Sankara Rao, S/o Sambaiah, resident of

Narasaraopet.

At the stage of admission, the learned Government Pleader for the respondents was asked to get instructions in the matter. On instructions, it is submitted by the learned government Pleader that a complaint was lodged by one Sri Nisanka Sankara Rao, pursuant to which, a case in Crime No. 1 of 2007 was registered for the alleged offence under Section 304-A IPC and investigation is taken up. It is stated that on 1-1-2007 an un-known lorry coming from Sattenapalli, which was being driven in rash and negligent manner, hit a motor-cyclist, due to which, he died instantaneously. It is stated that the broken pieces of the crime vehicle were seized from the scene of offence and there is a suspicion of involvement of one of the above said two vehicles owned by the petitioner. It is further stated that an identification parade was conducted to identify the driver of the crime lorry, but, however, no clues are forthcoming.

Though the petitioner is not shown as accused in Crime No. 1/2007, but, in view of the complaint lodged, it is always open for the respondents to make investigation regarding involvement of the vehicles owned by the petitioner. As much as it is stated that there is suspicion with regard to involvement of one of the vehicles owned by the petitioner, while it is open for the respondents to make a fair investigation, but, at the same time, they cannot insist the petitioner to accept the commission of offence, which is disputed by the petitioner. In that view of the matter, I dispose of the Writ Petition directing the respondents to conduct a fair inquiry in Crime No. 1/2007 and take steps for submission of final report as expeditiously as possible. It is

made clear that, with regard to involvement of the vehicles owned by the petitioner, it is open to the respondents to investigate, but, at the same time, no insistence shall be made on the petitioner by the methods un- known to law, for acceptance of the commission of the offence.

Subject to the above direction, the Writ Petition is disposed of . No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATE: 13-12-2007
Msnr.